



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/205,653 12/03/98 ELDERING

C 8887,3003

EXAMINER

TM02/0105  
TECHNOLOGY PATENTS AND LICENSING, INC.  
300 NORTH BOARD STREET  
DOYLESTOWN PA 18901

ART UNIT

PAPER NUMBER

2171  
DATE MAILED:

01/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/205,653

Applicant(s)

Eldering et al

Examiner

Uyen Le

Group Art Unit

2171



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 20-51 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 20-51 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. Claims 46, 47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because they are exact duplicates of claims 37, 38. Did applicant intend to make them dependent on claim 39?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 20-26, 28-43, 45-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al (US 5,977,964).

Regarding claim 20, Williams discloses a method for generating a subscriber profile vector including all the claimed features. Note

- The claimed “monitoring subscriber viewing activities including capturing requests for source material initiated by the client side” is met when Williams shows that the system monitors viewer’s selection of channels and stations (see column 8, lines 25-40)
- The claimed “generating subscriber selection data, wherein the subscriber selection data corresponds to a record of requests for the source material” is

met when the system records which programs have been selected over time  
(see column 15, line 64- column 16, line 2)

- The claimed “retrieving source related information, wherein the source related information includes descriptive fields corresponding to the source material” is met when the system gathers and stores information related to the programs selected (see Figure 8)
- The claimed “processing the subscriber selection data with respect to the descriptive fields to generate the subscriber profile vector” and “storing the subscriber profile vector” are met when the system generates and stores viewers’ profiles (see Figures 7, 8).

Regarding claim 21, Williams discloses monitoring time duration corresponding to the viewing times of the requested source material (see column 16, lines 10-18).

Regarding claim 22, Williams discloses monitoring volume levels (see column 7, lines 20-25, Figure 8).

Regarding claim 23, the claimed “subscriber profile vector includes household demographic data indicating probabilistic measurements of household demographics” merely reads on the fact that the system identifies adults and children using the system in order to present appropriate advertisements (see column 6, lines 40-44).

Regarding claim 24, the claimed “subscriber profile vector includes household program preference information indicating probabilistic measurements of household program interests” is met when the system of Williams monitors viewing habit of

different viewers in a household to adjust the system setting accordingly (see column 6, lines 25-49).

Regarding claim 25, the claimed "wherein the subscriber profile vector includes household product preference information indicating probabilistic measurements of household product interests" merely reads on the fact that the viewers' profiles in the system of Williams determine which commercials are muted, interrupted or liked by viewers of a household (see column 7, lines 2-10).

Regarding claim 26, the claimed "wherein said generating subscriber selection data includes context mining of textual information associated with the selected source material" merely reads on the fact that the system of Williams identifies a genre of programming for presenting programs according to current viewer's genre preferences (see column 7, lines 39-58).

Regarding claim 28, Williams discloses retrieving source related information from an electronic program guide associated with the selected source material (see column 7, lines 31-35).

Claim 29 merely reads on the fact that the system of Williams monitors a viewer's activities such as muting or interrupting advertisements (see column 7, lines 2-6).

Claim 30 merely reads on the fact that the system of Williams monitors viewers' activities over time (see Figure 8, column 6, line 50- column 7, line 19).

Claim 31 merely recites a system to perform the method of claim 20 with the added limitations of means for transmitting a subscriber request for source material, means for generating a program characteristic vector based on the source related

information and means for storing a set of heuristic rules to be used to generate the subscriber profile vector. Such means are clearly present in the system of Williams to submit users inputs (see column 8, lines 25-32) and to associate information of genre and stations to programs as shown in Figure 8. Furthermore, clearly, a set of heuristic rules is stored in order to build and update a viewer's profile and to identify new viewers (see column 2, lines 11-21, column 9, lines 11-16).

Claims 32-35 correspond respectively to a system for method claims 21-24, thus are rejected for the same reasons stated in claims 21-24 above.

Regarding claim 36, Williams discloses a data processing system for generating a household demographic characteristics vector in a client-server based architecture (see Figures 6-8). The claimed "means for allowing a subscriber to request source material", "means for monitoring subscriber activity", "means for generating household viewing habits", means for storing a set of heuristic rules", 'means for processing the subscriber selection data with respect to the set of heuristic rules to generate the household demographic characteristics vector" and "means for storing the household demographic characteristics vector" are clearly present in the system of Williams in order to monitor viewers' activities, submit requests to the host, recognize specific viewers and build viewers' profile database (see column 3, line 5- column 8, line 40).

Claim 37 merely reads on the fact that the system of Williams monitors a viewer's activities such as muting or interrupting advertisements (see column 7, lines 2-6).

Claim 38 merely reads on the fact that the system of Williams monitors viewers' activities over time (see Figure 8, column 6, line 50- column 7, line 19).

Claims 46, 47 are exact duplicates of claims 37, 38, thus are rejected for the same reasons discussed in claims 37, 38 above.

Regarding claim 39, Williams discloses all the claimed subject matter. The claimed "means for selecting source material for a subscriber to view" is met when Williams shows that depending on a recognized viewer, the system presents appropriate advertisements (see column 6, lines 40-44). The claimed "means for monitoring subscriber activity including means for receiving the subscriber selections for source material, means for recording the subscriber selections for source material, wherein a record of the selections constitutes subscriber selection data" are met when the system allows viewers to select programs and monitors which programs have been selected in order to create viewers profiles (see column 5, lines 60-64). The claimed "means for retrieving source related information, wherein the source related information includes descriptive fields corresponding to the source material and means for processing the subscriber selection data with respect to the descriptive fields to generate the subscriber profile vector and means for storing the subscriber profile vector" are met when the system retrieves the channels, program genres of selected programs to generate the viewer preferences and store them in viewers profiles (see Figures 7, 8).

Regarding claim 40, the claimed "subscriber profile vector includes household demographic data indicating probabilistic measurements of household demographics" is met when the system identifies adults and children using the system in order to present appropriate advertisements (see column 6, lines 40-44).

Regarding claim 41, the claimed "wherein the subscriber profile vector includes household program preference information indicating probabilistic measurements of household program interests" is met when the system of Williams monitors viewing habit of different viewers in a household to adjust the system setting accordingly (see column 6, lines 25-49).

Regarding claim 42, the claimed "wherein the subscriber profile vector includes household product preference information indicating probabilistic measurements of household product interests" merely reads on the fact that the viewers' profiles in the system of Williams determine which commercials are muted, interrupted or liked by viewers of a household (see column 7, lines 2-10).

Regarding claim 43, the claimed "wherein said generating subscriber selection data includes context mining of textual information associated with the selected source material" merely reads on the fact that the system of Williams identifies a genre of programming for presenting programs according to current viewer's genre preferences (see column 7, lines 39-58).

Regarding claim 45, Williams discloses retrieving source related information from an electronic program guide associated with the selected source material (see column 7, lines 31-35).

Regarding claim 48, Williams discloses an Internet browsing system (see column 5, lines 29-34) including input device for allowing a subscriber to select source material to view (see column 8, lines 25-40), a monitor for displaying the selected source



material (see Figure 1), and a profile generator for generating a profile of the subscriber based on source material viewed (see Figures 7-9, column 6, lines 50-52).

Regarding claim 49, Williams discloses a profile generator including "means for tracking subscriber selections for source material, means for retrieving the source material" (see column 8, lines 25-40). The claimed "means for generating a content characteristics vector based on the source material and means for processing the subscriber selection with respect to the content characteristics vector and a set of heuristic rules to generate a subscriber profile" are clearly present in the system of Williams in order to build and update viewers profiles (see Figure 8), and to identify new viewers (see column 2, lines 11-21, column 9, lines 11-16).

Regarding claim 50, Williams discloses a profile generator including "means for monitoring subscriber activity, means for generating viewing habits information from the subscriber activity" (see 8, lines 25-40, column 5, line 52- column 7, line 19). The claimed "means for generating a viewer characteristics profile based on the viewing habits information and a set of heuristic rules" are clearly present in the system of Williams in order to generate viewers profiles as shown in Figure 8 and to recognize new viewers (see column 9, lines 11-16).

Regarding claim 51, clearly the profile generator includes "means for monitoring subscriber activity including recording subscriber selections for source material, means for retrieving the source material" (see column 8, lines 25-40, column 5, lines 60-64), and "means for generating a subscriber profile based on the subscriber selections and the source material (see Figure 8).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (US 5,977,964).

Regarding claims 27, 44, although Williams does not specifically show that the textual information includes text derived from closed-captioning data, Williams explicitly shows that the viewer can set closed-captioning on/off preference (see column 6, lines 50-63). Furthermore, Williams shows that programs are searched by keywords (see Figure 4). Therefore, it would have been obvious to one of ordinary skill in the art to include deriving text from closed-captioning data while implementing the method taught by Williams in order to allow identification of viewers' preferred programs by keywords related to the closed-captioning data.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Payton (US 5,790,935) teaches a virtual on-demand digital information delivery system and method.

Montero (US6,133,912) teaches a method of delivering information over a communication network.

McMullan, Jr. (US 5,251,324) teaches a method and apparatus for generating and collecting viewing statistics for remote terminals in a cable television system.

Ericsson et al (US 5,956,637) teach a subscriber database management in a mobile telecommunications system.

Freeman (US 4,573,072) teaches a method for expanding interactive CATV displayable choices for a given channel capacity.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T Le whose telephone number is 703-305-4134. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 305-9707. The fax phone numbers for the organization where this application or proceeding is assigned is 308-9051 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-9000.

UL  
December 26, 2000

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER